

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

PRETERM-CLEVELAND, INC., <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:19-cv-00360
v.	:	
	:	
DAVID YOST, <i>et al.</i> ,	:	Judge Barrett
	:	
Defendants.	:	

PLAINTIFFS' AMENDED NOTICE OF SUPPLEMENTAL AUTHORITY

On March 31, 2020, Plaintiffs submitted Plaintiffs' Notice of Supplemental Authority (Doc. 47), notifying this Court of two recent developments in similar cases since Plaintiffs' prior briefing. Plaintiffs now submit this Amended Notice of Supplemental Authority to inform the Court of a subsequent development in *Planned Parenthood Center for Choice v. Abbott*:

- In *Planned Parenthood Center for Choice v. Abbott*, No. 1:20-cv-00323-LY (W.D. Tex. Mar. 30, 2020) (attached hereto as Ex. A), abortion providers in Texas faced enforcement of an Executive Order issued in response to the present crisis to ban abortion procedures. The Western District of Texas entered a temporary restraining order, finding that the plaintiffs had "established a substantial likelihood of success on the merits of their claim that the Executive Order, as interpreted by the attorney general, violates Plaintiffs' patients' Fourteenth Amendment rights, which derive from the Bill of Rights, by effectively banning abortions before viability." Slip. op. at 5. As the court observed, "The Due Process Clause of the Fourteenth Amendment to the United States Constitution protects a woman's right to choose abortion, *Roe v. Wade*, 410 U.S. 113, 153–54 (1973), and before fetal viability outside the womb, a state has *no interest* sufficient to justify an outright ban on abortions. *Roe*, 410 U.S. at 163–65." *Id.* (emphasis in original) (citations omitted). On March 31,

2020, the U.S. Court of Appeals for the Fifth Circuit granted an administrative stay, pending further briefing, “to allow th[e] court sufficient time to consider petitioners’ emergency motion for stay and petition for writ of mandamus.”

- In *Robinson v. Marshall*, No. 2:19cv365-MHT (M.D. Ala. Mar. 30, 2020) (attached as Ex. B), abortion providers in Alabama faced enforcement of the State Health Officer’s order issued in response to the present crisis to ban abortion procedures. The Middle District of Alabama entered a temporary restraining order, finding that the order “implements a blanket postponement of *all* abortions” and because of the state’s legal limit, the “order is likely to fully prevent some women from exercising their right to obtain an abortion.” Slip op. at 6 (emphasis in original).

Dated: April 1, 2020

Respectfully Submitted,

/s/ B. Jessie Hill

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties have access to this filing through the Court's system. I further certify that a copy of the foregoing pleading and Notice of Electronic Filing has been served by ordinary U.S. mail and email upon all parties for whom counsel has not yet entered an appearance.

/s/ B. Jessie Hill
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